

## **REMARKS**

Applicants have carefully reviewed the Office Action mailed on October 29, 2007. Applicants respectfully traverse (and do not concede) all objections, rejections, adverse statements, and adverse assertions made by the Examiner. With this amendment, please cancel claim 25 without prejudice. Claims 4 and 15 remain pending.

### **Claim Rejections Under 35 U.S.C. §103**

Claims 4 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Vigil et al. in U.S. Patent No. 5,320,634 in view of Parodi in U.S. Patent No. 5,250,070. Applicants maintain that this rejection is improper for the reasons set forth in the reply filed August 10, 2007. In addition to these reasons, Applicants respectfully submit that there is no motivation to combine Vigil et al. with Parodi because Parodi teaches away from making such a combination.

The claimed invention is directed to medical devices with a cutting member or blade. For example, claim 4 recites one or more cutting members. Similarly, claim 15 recites a cutting blade. These structures, as described in the specification, are provided for a number of purposes. For example, the specification states that “[c]utting members 20 may help to concentrate force exerted by catheter 10 onto lesion 14 and may **cut into or otherwise sever or break up lesion 14.**” Page 3, lines 12-13. (Emphasis added).

Parodi discusses in the background section that acute occlusion and re-stenosis are major problems after balloon angioplasty. Column 1, lines 39-42. Parodi goes on to state that “[t]he standard balloon used routinely for angioplasty regularly produces endothelial damage” (column 1, lines 46-48) and that “endothelial damage is one of the main facts considered responsible, or at least related, to the development of these changes.” Column 1, lines 43-45. Based on this problem, Parodi indicates that the advantage of the balloon described therein is “avoiding an endothelial extensive damage caused by the angioplasty balloon.” Column 2, lines 19-22. Indeed, Parodi states that the external surface of the balloon “admits the dilation of fibrous injuries producing a smaller dissection of the intima.” Column 4, lines 8-11. Thus, the exterior of the balloon in Parodi is designed to reduce damage and/or cutting. This teaches away from applying the teachings in Parodi related to balloon exteriors to structures intended for cutting or severing.

One can readily appreciate that those with ordinary skill in the art would not turn to art references like Parodi, which are focused on reducing damage and/or minimizing the cutting of tissue, for design inspiration for cutting members or blades. Because of this, there cannot be any motivation to combine the teachings of Parodi with Vigil et al. to arrive at the claimed invention. In particular, there is no motivation to apply the features of the balloon external surfaces of Parodi, which are meant to reduce damage and/or cutting, to the cutting atherotomes of Vigil et al. to arrive at the claimed invention.

Based on the forgoing, Applicants respectfully submit that a *prima facie* case of obviousness has not been properly established for claims 4 and 15. Consequently, this rejection is improper and should be withdrawn in due course.

Claims 4 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lary in U.S. Patent No. 6,306,151 in view of Parodi. For the reasons set forth above, Parodi teaches away from having the balloon exteriors therein applied to a cutting member or blade. Consequently, Applicants respectfully submit that there is no motivation to combine Parodi with Lary to arrive at the claimed invention. Therefore, the rejection of these claims is improper and should be withdrawn in due course.

### **Conclusion**

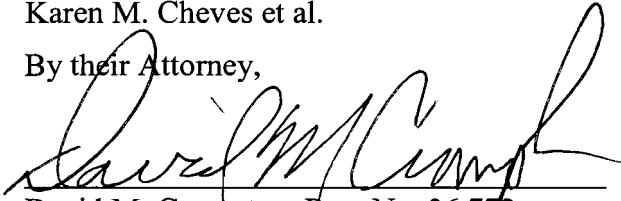
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Karen M. Cheves et al.

By their Attorney,

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